IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3294 OF 2004

Akram Hussain Choudhary
& Ors. .. Petitioners.

vs.

Jacob John Joseph
& Ors. .. Respondents.

Mr. A.A. Siddiqui for petitioners.
None for the respondents.

..

Coram: J.N. PATEL &,
A.A. SAYED, JJ.
Date: 23RD APRIL, 2007.

P.C.

. The petitioners have approached this Court claiming compensation from the respondent in the sum of Rs. 5 lacs for each of the heirs of the deceased children who were injured in the accident of explosion and out of them four have died due to the injuries.

2. The claim is based on the FIR No. 50 of 2004 dated 14.4.2004 registered by Shivaji Nagar Police

Station, Mumbai, in relation to the occurrence which took place between 13.2.2004 and 14.2.2004 at 9.15 hrs to 1.15 hrs.

3. We are afraid that this Court will not be able to decide the subject matter of the claim made by petitioners as it involves disputed questions of fact and the petitioners will have to prove that the victim suffered injuries and died due to the rash and negligent act of the respondent authorities who can be held vicariously liable for damages.

4. It is submitted that the petitioners have approached this Court in writ jurisdiction as civil suits are pending in this Court since the year 1979 and as they were not hopeful of getting justice for long time they have resorted to invoking the extra ordinary jurisdiction of this Court. We really express our anguish for the state of affairs in so far as the pendency of cases in this Court are concerned, but, that does not and cannot be the only ground to exercise its extra-ordinary jurisdiction. Therefore, we dispose of this petition with liberty to the petitioners to seek alternate remedy.

(J.N. Patel, J.)

(A.A. Sayed, J.)